REMARKS

The Office Action of July 18, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-7, 9-16 and 18-20 remain in the application. Reconsideration of the claims is respectfully requested.

Claims 11-16, 18 and 19 stand rejected under 35 U.S.C. § 101 because, according to the Examiner, the claimed invention is directed to non-statutory subject matter. The Examiner asserts that the term "computer readable medium" includes the possibility of non-statutory subject matter. The Examiner suggests amending claims 11-16, 18 and 19 to recite a "computer readable medium encoded with a computer program." Although Applicants do not acquiesce to the Examiner's assertion, in order to expedite prosecution, claims 11-16, 18 and 19 have been amended as suggested by the Examiner. As such, it is submitted that the rejection of claims 11-16, 18 and 19 under 35 U.S.C. § 101 has been traversed and overcome, and withdrawal of the same is respectfully requested.

Claims 1-8, 11-17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonnell, et al. (U.S. Publication No. 2003/0208522) in view of Fuchs, et al. (U.S. Publication No. 2003/0139179), and further in view of Dutta, et al. (U.S. Publication No. 2002/0156921). Since claims 8 and 17 are cancelled claims and the Examiner addresses the rejection of claims 9 and 18 on pages 9 and 13, respectively, of the present Office Action, Applicants assume that claims 1-7, 9-16 and 18-20 stand rejected under 35 U.S.C. § 103(a), and will address the rejection as such.

The Examiner reiterates the arguments presented in the Final Office Action of March 14, 2006 with respect to McDonnell and Fuchs. The Examiner admits that the combination of McDonnell and Fuchs does not expressly disclose "wherein the generated wireless network information is communicated to the service provider in response to detecting a wireless network information upload trigger and initiating a

wireless information transmission to the service provider responsive to the detected wireless information upload trigger." The Examiner states that transmitting information to the network in response to a network upload trigger is known in the art, and that Dutta is evidence of that fact. The Examiner concludes that it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta. The Examiner reasons that a modification would provide the advantages of uploading the information to the network without user intervention, and uploading updates of the information routinely when receiving the upload request or trigger.

In response to the Examiner's arguments, Applicants respectfully disagree. Applicants' independent claims 1, 11 and 20 each recite, "***detecting*** a wireless network information ***upload trigger*** and initiating a wireless network information transmission to the service provider ***responsive to the detected*** wireless network information upload trigger." As provided in Applicants' Preliminary Amendment dated June 25, 2007, an ***upload trigger*** is a ***filter*** of the ***type*** of wireless network information that will ultimately be transmitted to the service provider.

Applicants submit that Dutta does ***not*** teach or even suggest an ***upload trigger*** as defined by Applicants. Dutta teaches that ***data*** (allegedly the same as Applicants' upload trigger, according to the Examiner) is transmitted to the backup server. Any data, whether it be calendar dates, phone numbers, etc. that is stored in the wireless device is included (see, e.g., paragraph [0054], lines 10-13 of Dutta). This is in sharp contrast to Applicants' upload trigger, which is a filter of the type of information that is transmitted.

Furthermore, the method and/or system in Dutta transmits data to a backup server under either of two conditions: (1) *automatically* at predetermined intervals; or

(2) or when *the server has been notified* that a user has powered on the wireless device (see paragraph [0031]).

Applicants submit that ***automatically*** transmitting the data at predetermined intervals to the backup server and/or ***notifying*** the backup server that the wireless device has been powered on are *not* the same as ***detecting*** the data by the backup server and initiating a wireless network information transmission ***in response to the detected data***. In fact, communication in Dutta *only* occurs between the wireless device and the backup server (i.e., a one-to-one communication). Dutta does not disclose or even suggest that the backup server and/or wireless device communicates with a short range wireless network (i.e., a one-to-many communication). Thus, detecting, storing and forwarding (in response to the detected upload trigger) short range wireless network information to a service provider would not even be contemplated in the Dutta reference.

Regarding claims 9 and 18, Dutta does not teach or suggest detecting the wireless network information upload trigger by receiving a wireless network information request and processing the wireless network information request to ***identify*** the wireless network upload trigger. As set forth in these claims, if an upload trigger ***exists*** (i.e., is ***identified***), wireless network information is transmitted to the service provider (see, e.g., page 13, lines 11-23, and page 16, lines 5-19 of Applicants' specification as filed). It is submitted that one skilled in the art may logically conclude that the upload trigger is detected or identified from among ***several internal triggers***. As previously set forth, such triggers act as filters for the type of information that is transmitted.

In sharp contrast, the ***data*** in Dutta is transmitted to the backup server based on a ***single type*** of trigger (i.e., any data, whether it be calendar dates, phone numbers, etc. that is stored in the wireless device).

For all the reasons provided above, it is submitted that Dutta does not supply the deficiencies of McDonnell and Fuchs, and it is respectfully submitted that the

Examiner has not set forth a *prima facie* case of obviousness. As such, it is submitted that Applicants' invention as defined in independent claims 1, 11 and 20, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by McDonnell, Fuchs, and Dutta, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-7, 9-16 and 18-20 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: October 18, 2007
JCD/AMS/JRK